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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,502	02/12/2004	Leopoldo Alarcon	60282.00112	3668
32294	7590	10/31/2007		
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER GONZALEZ, AMANCIO	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,502

Applicant(s)

ALARCON ET AL.

Examiner

Amancio Gonzalez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 41-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-23, 41 and 43-54 is/are rejected.
- 7) ☒ Claim(s) 4 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/17/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Applicant's amendment filed on 08/17/2007. Claims 1-23 and 41-55 are now pending in the present application. This action is made FINAL.

After consideration of the applicant's arguments and amendments, the rejection of the present application stands as follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3, 5-11, 13-16, 18-23, 43, 45, and 47-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al. (US 6992995 B2), hereafter "Agrawal," in view of Kallioniemi et al. (US 6064887 A), hereafter "Kallioniemi."

Consider claims 1 and 14 as amended, and claims 41, 45, and 49-54, new, Agrawal discloses handing over a connection of a mobile entity from a first network access entity to a second network access entity (**see the abstract, col. 1 lines 60-67,**

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col. 7 lines 9-13, col. 8 lines 39-51, where Agrawal discusses inter-domain transition –handoff- of a mobile node between a first and a second network).

Agrawal discloses a mobile entity registering with at least a different subnet and mobility agent, the mobile entity receiving a global care-of-address (**see the abstract, col. 4 lines 41-67, col. 5 lines 1-12, 26-37, col. 7 lines 9-19, col. 9 lines 55-67, where Agrawal discusses a mobile node receiving a global address and information encapsulation processes, supporting an application-transparent IP mobility –also see col. 2 lines 29-33, 65-67 and col. 3 lines 1-10, col. 4 lines 63-67 and col. 5 lines 1-4, col. 6 lines 17-24, col. 10 lines 35-56**), but does not particularly refer to wherein the global address is not known to the mobile entity. Kallioniemi teaches wherein the global address is not known to the mobile entity (**see col. 17 lines 24-54, where Kallioniemi discusses global address being assign to mobile station, the address messages being passed between the gateways of the involved domains to their respective GMSCs and HLRs, where the global address is configured, thus allowing mobile entities to roam in different networks; also see fig. 8 and col. 17 lines 5-55; notice that in the described roaming call setup none of the mobile entities involved in the call are aware of the global address, i.e., Global Title, wrought by the network core system, i.e., the GMSCs and gateways**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Agrawal and have it include wherein the global address is not known to the mobile entity, as taught by Kallioniemi, thereby providing seamless inter-network connectivity for mobile communication units.

Consider claims 2, 3, 19, and 20, Agrawal, as modified by Kallioniemi, teaches claims 1 and 14 above respectively, and further discloses *implicitly* identifying, providing a global address by a the second network access entity, and forwarding and routing packages to the mobile node via the provided global address (*access entity* reads on *mobility agent -MA-*, which intercepts packages forwarded to the mobile node via the provided global address, implicitly checking the global address assigned to the mobile node in the foreign –second- network –see Agrawal: col. 9 lines 19-26).

Consider claims 5-7, Agrawal, as modified by Kallioniemi, teaches claim 1 above, and further discloses messages, including a global address, sent and received among networks and subnets (see Agrawal: the abstract, col. 4 lines 49-52, col. 7 lines 32-43).

Consider claims 8 and 22, Agrawal, as modified by Kallioniemi, teaches claims 1 and 14 above respectively, and further discloses a mapping table (see Agrawal: col. 8 lines 63-67 and col. 9 lines 1-14, col. 10 lines 10-14).

Consider claims 9 and 43, Agrawal, as modified by Kallioniemi, teaches claims 1 and 41 above respectively, and Kallioniemi further sending an identity associated with an access point through which the mobile entity was connected to the first network access entity (see Kallioniemi: col. 17 lines 5-55)

Consider claims 10, 11, 13, 15, 16, and 18, Agrawal, as modified by Kallioniemi, teaches claims 1 and 14 above respectively, and further discloses proxy related functions (see Agrawal: the abstract, col. 7 lines 9-16, col. 8 lines 45-51, 3-67, col. 11 lines 30-34).

Consider claims 21 and 47, Agrawal as modified by Kallioniemi, teaches claims 14 and 45 above, and further discloses handover functions (see Agrawal: col. 1 lines 60-67, col. 2 lines 48-64).

Consider claims 23 and 48, Agrawal, as modified by Kallioniemi, teaches claims 14 and 45 above, and further discloses identification functions (see Agrawal: the abstract, col. 1 lines 60-67, col. 7 lines 9-13, col. 8 lines 39-51, where Agrawal discusses inter-domain transition –handoff- of a mobile node between a first and a second network –also see Agrawal: col. 5 lines 49-59, col. 11 lines 3-12).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al. (US 6992995 B2), hereafter "Agrawal," in view of Kallioniemi et al.

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(US 6064887 A), hereafter "Kallioniemi," as applied to claims 1 and 12, further in view of Bearden et al. (US 20030086425 A1), hereafter "Bearden."

Consider claims 12, 17, 44, and 46, Agrawal teaches claims 1, 14, 41, and 45 above respectively, but does not particularly refer to monitoring network attributes or identifying network elements. Bearden discloses monitoring network attributes and identifying network elements (see abstract, pars. 0089, 0260). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the invention of Agrawal as modified by Kallioniemi and have it include monitoring network attributes and identifying network elements, as taught by Bearden, enhancing quality of service for IP-based communication, as discussed by Bearden (see par. 0260).

Allowable Subject Matter

8. Claims 4 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 4 and 26 regarding the invalidity of the prior art date of the applied secondary reference have been fully considered and are persuasive. The rejection of claims 4 and 26 –the Office Action mistakenly names claim 24 instead of claim 26 in the rejection heading- under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al. (US 6992995 B2), hereafter "Agrawal," in view of Lee (US 20060198372 A1), hereafter "Lee," has been withdrawn.

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Applicant's argument about a "global address... is not known to the mobile entity," as recited in claims 1 and 14 has been considered, but is moot because said limitation is in the preamble of the referred claims.

Regarding the main limitation of the aforesaid claims, 1 and 14, as well as of the new added independent claims 41, 45, and 49-54, specifically, sending a message including information for identifying the first network access entity from the mobile entity to the second network access entity, which enables the second network entity to direct traffic destined to the first network entity is anticipated by Agrawal as interpreted by the examiner in the Office Action.

In summary, applicant's arguments with respect to **claims** 1-3, 5-23, 41, and 43-54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Delaney Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio Gonzalez, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published


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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

October 26, 2007


Rafael Perez-Gutierrez
Supervisory Patent Examiner
Technology Center 2600
Art Unit 2617

10/29/07